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Counsel for Defendant

QuinStreet, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MAXX LYMAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

QUINSTREET, INC.,

Defendant.

Case No. 5:23-CV-5056-PCP

Assigned to Hon. P. Casey Pitts

**DEFENDANT'S STATEMENT OF
RECENT DECISION IN SUPPORT OF
ITS MOTION TO DISMISS**

Hearing Date: February 29, 2024

Time: 2:00 PM

Place: Courtroom 8, 4th Floor

1 Defendant QuinStreet, Inc. (“QuinStreet”), by and through its counsel, hereby submits
 2 this statement of recent decision in support of its Motion to Dismiss the Class Action Complaint
 3 (ECF No. 22), which is set for hearing before this Court on February 29, 2024. Attached hereto
 4 as **Exhibit A** is a copy of *Moore v. Triumph CSR Acquisition, LLC*, No. 23-cv-4659, 2023 WL
 5 8601528 (N.D. Ill. Dec. 12, 2023), which was decided after QuinStreet filed its reply in further
 6 support of its Motion to Dismiss on December 5, 2023 (*see* ECF No. 25).

7 In *Moore*, the Northern District of Illinois held that “[a] cell phone is not a residential
 8 phone. So any calls to a cell phone cannot violate subsection 227(b)(1)(B).” *Moore*, 2023 WL
 9 8601528, at *3 (citing 47 U.S.C. § 227(b)(1)(B)).

10
 11 DATED: February 16, 2024

KELLEY DRYE & WARREN LLP

12 By: /s/ James B. Saylor
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28
 Counsel for Defendant
 QuinStreet, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on February 16, 2024, I electronically filed the foregoing **DEFENDANT'S STATEMENT OF RECENT DECISION IN SUPPORT OF ITS MOTION TO DISMISS** with the United States District Court for the Northern District of California by using the CM/ECF system, which will send a notice of filing to all registered users, including counsel for all parties.

DATED: February 16, 2024

Respectfully submitted,

By: /s/ James B. Saylor
James B. Saylor